

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 465 - HB 1001

March 12, 2019

**SUMMARY OF ORIGINAL BILL:** Creates medical amnesty for certain drug and alcohol violations. Extends immunity to a person experiencing a drug overdose and seeking medical attention from being arrested, charged, or prosecuted for a second or subsequent drug overdose.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (005602):** Deletes and replaces all language after the enacting clause such that the only substantive change is to remove offenses outlined in Tenn. Code Ann. § 39-17-417 as drug or alcohol violations that are eligible for medical amnesty.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 63-1-156(b), any person who in good faith seeks medical assistance for themselves or a person experiencing or believed to be experiencing a drug overdose is required to not be arrested, charged, or prosecuted of a drug violation resulting from seeking such medical assistance. Such immunity is extended to a person experiencing a drug overdose only on the first overdose.
- The proposed legislation adds alcohol overdose violations to such amnesty and expands the definition of violation to include minors consuming or possessing alcohol, public intoxication, and sale of alcohol to a minor.
- The proposed legislation is assumed to increase the frequency that an individual or person in the company of an individual who is experiencing a drug or alcohol overdose seeks medical assistance for themselves or the incapacitated individual. It is estimated that providing immunity for such individuals for additional drug violations, alcohol violations or second and subsequent drug overdoses, will not significantly impact state

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or local incarceration costs, as the number of felony and misdemeanor convictions for such persons under current law is estimated to be not significant.

- Based on information provided by the Administrative Office of the Courts, any fiscal impact on the trial courts can be absorbed within existing judicial resources.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/amj